UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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DUNKIN' DONUTS FRANCHISED RESTAURANTS, LLC, et al.,

: <u>NOT FOR PUBLICATION</u>

Plaintiffs, : <u>MEMORANDUM AND ORDER</u>

:

-against-

1700 CHURCH AVENUE CORP., et al., : 07-CV-2446 (CBA) (MDG)

:

Defendants.

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AMON, United States District Judge:

Defendants have appealed an order of the Honorable Marilyn D. Go, United States Magistrate Judge, denying their motion to compel responses to certain document requests. Defendants sought documents tending to show that plaintiffs had ulterior motives for terminating plaintiffs' franchise agreements. On April 23, 2008, Magistrate Judge Go denied defendants' motion, concluding that the requests were untimely and that, in any event, defendants were not entitled to the discovery sought. Defendants appealed the order to this Court.

The Court may set aside a Magistrate Judge's order concerning a non-dispositive matter only where the order is "clearly erroneous or contrary to law." See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); see also Thomas E. Hoar, Inc. v. Sara Lee Corp., 900 F.2d 522, 525 (2d Cir.1990). Because the Magistrate Judge is in the best position to "judge the entire atmosphere of the discovery process," Bogan v. Northwestern Mut. Life Ins. Co., 144 F.R.D. 51, 53 (S.D.N.Y. 1992), decisions of a Magistrate Judge on discovery matters are entitled to substantial deference. See, e.g., Feliciano v. County of Suffolk, No. 04-CV-5321, 2009 WL 290469, at *1 (E.D.N.Y. Feb. 4, 2009). "A party seeking to overturn a discovery order therefore bears a heavy

burden. Pursuant to this highly deferential standard of review, magistrates are afforded broad

discretion in resolving discovery disputes and reversal is appropriate only if their discretion is

abused." Botta v. Barnhart, 475 F. Supp. 2d 174, 185 (E.D.N.Y. 2007) (internal citation and

quotation marks omitted).

The Court has reviewed Magistrate Judge Go's decision and defendants' objections

thereto and finds that the decision is neither clearly erroneous nor contrary to law. Accordingly,

defendants' motion to vacate the April 23, 2008 Order is denied.

SO ORDERED.

Dated: Brooklyn, New York

March 24, 2009

Carol Bagley Amon

United States District Judge

-2-